

FEB 15 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LEOBARDA FLORES; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-74207

Agency Nos. A75-701-047
A78-112-127

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 11, 2008**

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

Petitioners' motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

This is a petition for review of the Board of Immigration Appeals' ("BIA") decision denying petitioners' motion to reopen removal proceedings. The regulations provide that a motion to reopen "must be filed no later than 90 days after the date on which the final administrative decision was rendered in the proceedings sought to be reopened" 8 C.F.R. § 1003.2(c)(2). The administrative decision was final on December 15, 2005. Petitioners did not file the motion to reopen until June 25, 2007. The BIA did not abuse its discretion in denying petitioners' motion to reopen. *See Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). Therefore, respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Further, as to petitioners' contention that the BIA should have reopened proceedings *sua sponte*, this court lacks jurisdiction to entertain this claim. *See Ekimian v. INS*, 303 F.3d 1153, 1160 (9th Cir. 2002).

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

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PETITION FOR REVIEW DENIED in part; DISMISSED in part.